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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 16 November 2004 from the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), on the non-proliferation of nuclear, chemical and biological weapons, and has the honour to transmit to him herewith information from the Vice-Ministry of Public Security of the Venezuelan Ministry of the Interior and Justice on the legislative measures taken by Venezuela with respect to the non-proliferation of weapons of mass destruction (see annex).

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Annex to the note verbale dated 16 November 2004 from the Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations addressed to the Chairman of the Committee

Legislative measures taken by Venezuela with respect to the non-proliferation of weapons of mass destruction

National Constitution

Article 324 of the Constitution of the Bolivarian Republic of Venezuela provides that only the State may possess and use war weapons. Any such weapons that are manufactured in, or brought into, the country shall become the property of the Republic, without compensation or a trial. The Venezuelan armed forces shall be responsible for regulating and controlling the manufacture, import, export, storage, transit, registration, monitoring, inspection, possession and use of, and trade in, weapons, ammunition and explosives.

Organic Law on National Security

Article 22 of the Organic Law on National Security provides that war materiel and other weapons, ammunition, explosives and the like shall be regulated and controlled by the Venezuelan army through the Venezuelan armed forces, in accordance with the relevant law and regulations.

Penal Code

Article 275 of the Penal Code establishes that the import, manufacture, carrying, possession, supply or concealment of weapons classified as war weapons under the Weapons and Explosives Act and other legal provisions on the subject shall be punishable by two to five years in prison.

Likewise, article 823 of the reformed Penal Code proposed by the Supreme Court of Justice provides that anyone using genetic engineering to produce chemical or biological weapons or weapons designed to exterminate the human race shall be punished by 6 to 12 years in prison and a fine of 600 to 1,200 tax units.

Anti-terrorism bill

Lastly, it should be stressed that, under the anti-terrorism bill, anyone illegally manufacturing, possessing, transporting or supplying weapons, ammunition, inflammable, biological or chemical substances or explosive devices with a view to carrying out acts of terrorism shall be punished by 10 to 15 years in prison.

Measures taken by Venezuela with respect to the non-proliferation of weapons of mass destruction

The Department of Nuclear Affairs of the Venezuelan Ministry of Energy and Mining attaches great importance to the non-proliferation of weapons of mass destruction. This issue is, moreover, the focal point of actions undertaken in line with the responsibilities assigned to this department by the executive branch and aimed at ensuring the peaceful use of atomic energy in the country.

Venezuela has been working on the subject in conjunction with the International Atomic Energy Agency (IAEA) and, in 2004, two teams of experts visited the country as part of the International Nuclear Security Advisory Service (INSServ) of the Agency's Department of Nuclear Safety and Security. These experts drew up reports containing recommendations for the country, with a view to improving the way in which the regulatory authority is managed. Some of these recommendations are already being implemented, such as the national course on radiological emergency response preparation, which is being offered at the Ministry of Energy and Mining with IAEA support.

Various institutions involved in emergency programmes are participating in this activity, such as civil defence authorities, the metropolitan fire service, the National Guard, the Directorate-General of Intelligence and Protection Services (DISIP), the national oil company, Petróleos de Venezuela S.A. (PDVSA), the Office of the Attorney-General of the Republic and the Ministries of the Interior and Justice, Health and Social Development, Planning and Development, Environment and Natural Resources, and Labour.

In addition to the aforementioned activities, X-ray machines are being installed in the country's main customs points to enable staff at the Integrated National Customs and Tax Administration Service (SENIAT), and the National Guard, to detect any attempts to bring such materiel into the country illegally.